

**LOVELAND CITY COUNCIL MEETING
TUESDAY, JANUARY 17, 2012
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO**

THE CITY OF LOVELAND DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, RELIGION, AGE, NATIONAL ORIGIN, OR ANCESTRY IN THE PROVISION OF SERVICES. FOR DISABLED PERSONS NEEDING REASONABLE ACCOMMODATION TO ATTEND OR PARTICIPATE IN A CITY SERVICE OR PROGRAM, CALL 962-2343 OR TDD # 962-2620 AS FAR IN ADVANCE AS POSSIBLE.

**5:30 P.M. DINNER - City Manager's Conference Room
6:30 P.M. REGULAR MEETING - City Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION HONORING LOVELAND FIRE DEPARTMENT FOR FIGHTING WILDFIRES OUTSIDE THEIR DISTRICT IN 2011 (OFFICE OF SENATOR MARK UDALL)

Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it.

Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items.

Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

CONSENT AGENDA

- 1. CITY CLERK
 APPROVAL OF COUNCIL MINUTES
 Consideration of a motion approving Council minutes
 This is an administrative action to approve Council minutes from the January 3, 2012 regular meeting.**

- 2. CITY MANAGER
 BOARD & COMMISSION APPOINTMENTS
 Consideration of a motion appointing members to the Cultural Services Board and the Library Board
 This is an administrative item to appoint Louise Kauffman and Ginger Klein to the Cultural Services Board, each for a term effective until December 31, 2015 and to appoint to the**

Library Board, Amy Cohen for a term effective until December 31, 2016 and Louise Lucke for a one year term effective until December 31, 2012.

3. **FIRE & RESCUE**
PUBLIC HEARING

MUNICIPAL CODE AMENDMENT - INTERNATIONAL FIRE CODE, 2009 EDITION

Consideration on second reading of an ordinance repealing and reenacting Chapter 15.28 of the City of Loveland Municipal Code regarding the Fire Code and adopting by reference thereto the International Fire Code, 2009 Edition

This is a legislative action to adopt the International Fire Code, 2009 Edition. This replaces the previous adopted International Fire Code, 2006 Edition. City Council unanimously approved the ordinance on first reading on December 20, 2011.

4. **FINANCE**

2012 SUPPLEMENTAL APPROPRIATION – FINANCIAL ADMINISTRATIVE CHANGES

Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget to reorganize the utility billing, customer service and meter reading functions within the General Fund under the Finance Department-Revenue Division

This is an administrative action. The ordinance moves the budget for three functions managed by the Finance Department to the General Fund. The budgets for these three functions were originally within the Water, Wastewater, and Power Enterprise Funds. The amount of these budgets is transferred to the General Fund. No additional revenue or fund balance is needed for this action. City Council unanimously approved the ordinance on first reading on January 3, 2012.

5. **FINANCE**

2011 SUPPLEMENTAL APPROPRIATION – SPECIAL IMPROVEMENT DISTRICT #1

Consideration on second reading of an ordinance enacting a supplemental budget and appropriation to the 2011 Loveland Special Improvement District #1 budget and ratifying District bond prepayment

This is an administrative action. Reserves in the Loveland Special Improvement Fund 702 from prepaid assessments are appropriated for prepayment of District bond debt, and such prepayment in 2011 is ratified. Reserves from prepaid assessments are available for the appropriation. By paying down the principal in advance the total cost is reduced due to lower interest payments in the future. City Council unanimously approved this ordinance on first reading on January 3, 2012.

6. **WATER & POWER**

CONVERSION OF COLORADO-BIG THOMPSON WATER SHARES

Consideration of Resolution #R-5-2012 of the Loveland City Council authorizing an application to, and contract with, the Northern Colorado Water Conservancy District for beneficial use of 790 acre-feet of Colorado-Big Thompson Project water

This is an administrative action to adopt a resolution authorizing the Director of Water and Power to convert Temporary Use Permits (TUPs) for Colorado-Big Thompson (C-BT) Project water acquired in 2011 into a permanent Section 131 Contract. Upon approval, the City will have the use of the water each year from that point forward upon payment of the annual assessments.

7. **DEVELOPMENT SERVICES**

PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION – STATE HISTORICAL GRANT (PULLIAM BUILDING)

Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget for a State Historical Fund grant to fund a structural assessment of the Pulliam Building

This is an administrative action. The ordinance appropriates funds in the amount of \$14,715 from a State Historical Fund grant to complete a historic structural assessment of the Pulliam Community Building.

8. FINANCE

LOVELAND AND RURAL CONSOLIDATED VOLUNTEER FIRE DEPARTMENT PENSION PLAN

Consideration of Resolution #R-6-2012 authorizing an increase in benefits in the Loveland and Rural Consolidated Volunteer Fire Department Pension Plan effective January 1, 2012

This is an administrative action. The proposed resolution authorizes an increase in the benefits paid to firefighters that have served the community in the capacity of volunteers in the Loveland and Rural Consolidated Volunteer Fire Department Pension Plan (the "Plan"). Currently, retirees with at least 20 years of service receive a monthly payment \$600. This amount would be increased to \$650 per month. Other payments that are made to partially vested retired firefighters and surviving beneficiaries of firefighters are adjusted proportionately according to the schedule attached to the Resolution. Based on an independent actuarial study, the Plan has a funding plan sufficient to cover the costs of the increased payments. The Loveland Rural Fire District Board has favorably reviewed the increase.

9. FINANCE

2012 CONTRACT FOR TREE TRIMMING AND REMOVAL SERVICES

Consideration of a motion to award the 2012 contract for tree trimming and removal services to Asplundh Tree Experts Company in an amount not to exceed \$650,000 and to authorize the City Manager to execute the contract

This is an administrative action to approve a contract with Asplundh Tree Experts Company for \$650,000 for tree trimming in Parks, Golf Courses, Right of Ways, facility grounds, and around City owned electrical lines. This action is to authorize the City Manager to execute the contract.

10. FINANCE

PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION – COSTS INCURRED WITH AGILENT PROPERTY PURCHASE

Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget to appropriate a portion of the proceeds from the Agilent property sale

This is an administrative action. A portion of the proceeds from the sale of the Agilent property is appropriated to the Council Incentive Account for carrying costs incurred prior to the sale and appropriation for the carrying costs approved in the 2012 budget are transferred for the payment of 2011 property taxes on the property payable in 2012 and to reimburse the Council Incentive account for the balance.

11. ECONOMIC DEVELOPMENT

PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION OF DEVELOPER FUNDS (RIALTO BRIDGE PROJECT)

Consideration on first reading of an ordinance enacting a supplemental budget and appropriation to the 2012 City of Loveland budget to appropriate the developer's contribution to the Rialto Bridge construction project

This is an administrative action. The ordinance appropriates the developer funds to be disbursed by the City (\$1,114,000). The developer, Rialto Bridge LLC will contribute \$1,114,000 to the Rialto Bridge Project as required by the Development Agreement for construction costs associated with the project. This is not a deviation from the existing budget and the project is not seeking an additional appropriation from the City funds. In addition, the City, as per the Development Agreement, required a signed and fully executable letter of credit from Rialto Bridge, LLC for \$1,114,000 to ensure performance. The appropriation is funded from revenues contributed by a private entity.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

CITY COUNCIL

- a. **Citizens' Report** *Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*
- b. **Business from Council** *This is an opportunity for Council Members to report on recent activities or introduce new business for discussion at this time or on a future City Council agenda.*
- c. **City Manager Report**
- d. **City Attorney Report**

PROCEDURAL INFORMATION

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council quorum present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

12. WATER & POWER

2012 RAW WATER MASTER PLAN

Consideration of Resolution #R-7-2012 adopting the 2012 Raw Water Master Plan of the City of Loveland and amending the 2005 Comprehensive Master Plan by addition of the 2012 Raw Water Master Plan as a functional (component) plan element

This is a legislative action to adopt the 2012 Raw Water Master Plan and to amend the 2005 Comprehensive Master Plan by addition of the 2012 Raw Water Master Plan as a functional (component) plan element. The 2012 Raw Water Master Plan is available on the City's website at <http://www.cityofloveland.org/modules/showdocument.aspx?documentid=7725>, or in hardcopy at the City Clerk's Office and the Loveland Public Library.

13. ECONOMIC DEVELOPMENT

DOWNTOWN DEVELOPMENT RECRUITMENT

Consideration of a motion adopting a Downtown Developer Recruitment Program and authorizing a Request for Expression of Interest

This is an administrative action to adopt a Downtown Developer Recruitment Program and approve the Downtown Request for Expression of Interest (RFEI). The RFEI was created in response to Council's direction to provide an open and transparent process for developer solicitation in the Downtown. The program and the RFEI is provides a continuous recruitment process that with streamlined and uniform requirements that provide an easy entry for developers interested in the Downtown market.

14. **CITY MANAGER**
Proposed Executive Session to Receive Advice from Legal Counsel concerning Klen v. City of Loveland lawsuit

ADJOURN